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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/731,474	12/06/2000	Karl Lillevold	REALNET.123A	9475
20995	7590	02/19/2004	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			CHOOBIN, BARRY	
			ART UNIT	PAPER NUMBER
			2625	

DATE MAILED: 02/19/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

63 (b) 592  
60 72820

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/731,474	LILLEVOLD, KARL
	<b>Examiner</b>	<b>Art Unit</b>
	Barry Chooбин	2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 20 November 2003.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-11 and 13-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 5-12 and 15-23 is/are allowed.
- 6) Claim(s) 1-4, 13, 14 and 24-48 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) The translation of the foreign language provisional application has been received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments, see Remarks page 8, lines 12-18, filed November 20, 2003, with respect to the rejection(s) of claim(s) 1-4 and 12-14 under 35 USC 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Simisic et al and cheung et al (US 6,178,205).

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 13-14 and 24-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Simisic et al and in view of Cheung et al (US 6,178,205).

As to claim 1, Simisic et al disclose a decoder apparatus comprising: a video decoder configured to decode a received encoded video sequence (Fig.1 element 60); and a filter module coupled to the video decoder and the output and configured to filter compression artifacts from a decoded video sequence received from the video decoder (fig.2, element 76).

However, Simisic et al is silent about a filter module having a variable filter strength that is a function of detected motion activity within the video sequence.

But on the other hand, Cheung et al disclose a video post filtering with motion compensated temporal filtering and/or spatial adaptive filtering comprising; a filter module having a variable filter strength that is a function of detected motion activity within the video sequence (column 3, lines 40-61).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide the filter module having a variable filter strength that is a function of detected motion activity within the video sequence as thought by Cheung et al with the system of Simisic et al in order to improve video image quality and are applicable to video image.

As to claim 2, Simisic et al disclose filter strength is adjustable to one of a predetermined number of levels (column 8, lines 7-33).

As to claim 3, Simisic et al disclose the filter strength is adjustable to one of a high level, a medium level and a weak level (column 4, lines 52-66).

As to claim 4, Simisic et al disclose the medium level is a default Level (column 9, lines 42-56).

Claim 13-14, and 24-48 are similarly analyzed and rejected as claim.

#### ***Allowable Subject Matter***

4. Claims 5-11 and 15-23 are allowed.

#### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 6466624 to Fogg.

US 6539060 to Lee et al.

US 6665346 to Lee et al.

US 6668018 to Pearlstein et al.

US 2001/0053186 to Nakaya.

US 2002/0063807 to Margulis.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

#### **CONTACT INFORMATION**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry Choobin whose telephone number is 703-306-5787. The examiner can normally be reached on M-F 7:30 AM to 18:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on 703-308-5246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Barry choobin  
February 13, 2004

*Timothy M. Johnson*  
TIMOTHY M. JOHNSON  
PRIMARY EXAMINER